

Article 4: Public Hazards and Public Nuisances

Division 1: General Provisions

(“General Provisions”
added 1-28-1980 by O-15174 N.S.)

§54.0105 Sidewalk Sales and Displays Prohibited

- (a) Except as provided in Section 54.0105(b) and (c), it is unlawful for any Person to place, or allow to remain, any goods, wares, baggage, personal property or merchandise on any sidewalk or curb, between the outer edge of the sidewalk or curb and the property line.
- (b) Section 54.0105(a) does not:
 - (1) prohibit any Person from loading or unloading goods, wares, or merchandise in front of the Person’s place of business;
 - (2) prohibit any Person from leaving any goods, wares or merchandise on any sidewalk for the length of time necessary for loading or unloading them;
 - (3) prohibit any Person from loading or unloading attended baggage or personal property into or from a means of transportation.
- (c) A sidewalk sale may be permitted in a Special Event Venue pursuant to a Special Event Permit issued under Chapter 2, Article 2, Division 40 of this Code.

(Amended and retitled to "Sidewalk Sales and Displays Prohibited" 11-18-1997 by O-18439 N.S.)

§54.0115 Debris, Etc., on Street — Prohibited

It is hereby declared to be unlawful for any person, company or corporation to throw, deposit or drop, or cause to be thrown, deposited or dropped, any dirt, pebbles, boulders, hard pan, rock, crushed rock, glass or debris upon any paved street of The City of San Diego or to permit or allow any dirt, pebbles, boulders, hard pan, rock, crushed rock, glass or debris to drop, roll or leak from any vehicle upon any paved street of The City of San Diego.

(Amended by renumbering 3-31-1980 by O-15229 N.S. — formerly Sec. 54.15.)

§54.0115.1 Same — Penalty

Each day that any such dirt, pebbles, boulders, hard pan, rock, crushed rock, glass or debris shall be allowed to remain upon any paved street of said City, by any person, company, or corporation, after the same shall have been thrown, deposited or dropped, or permitted or allowed to drop, roll or leak from any vehicle by them, shall constitute a separate offense under this Section.

(Amended by renumbering 3-31-1980 by O-15229 N.S. — formerly Sec. 54.15.1.)

§54.0116 Building Materials on Streets, Etc. — Warning Lantern Required

That any person or persons, firm or corporation placing or causing to be placed any building material, cement, sand, gravel, dirt, or other substance, in any street or alley in the City of San Diego, California, shall place lighted lanterns at each end of the same, sufficient in number so that such material may be plainly visible to any person passing along said street or alley. Each lantern shall be two feet above the ground and so arranged as to be plainly visible to any person passing along the street or alley where said material may be deposited. Said lanterns shall be kept burning from half an hour before sunset to half an hour before sunrise of each day; and when so ordered by the Superintendent of streets, such person or persons, firm or corporation, shall erect and maintain around the portion of the street or alley so used a good and substantial barrier so long as such material remains on the said street or alley.

(Amended by renumbering 3-31-1980 by O-15229 N.S. — formerly Sec. 54.16.)

§54.0117 Work in Public Rights-of-Way — Barriers and Safety Precautions Required

- (a) Any person performing work in any public street, alley, sidewalk or other public place, or within five (5) feet of the property line of any street, alley, sidewalk or other public place, which interferes with or endangers the safe movement thereon of vehicular traffic or pedestrians, shall place and maintain barriers, flares, lighted lanterns and warning lights. Such flares, lanterns and warning lights shall be maintained at each end of the work and along the course of the work, not more than fifty (50) feet apart, from sunset of each day until sunrise of the following day until such work is entirely completed; and barriers shall be placed and maintained at each end of any excavation or obstruction at not more than 50 foot intervals along the course of the work at all times until such excavation is entirely refilled or such obstruction is removed. Any excavation or obstruction in an intersection shall be lighted and barricaded to provide the public a reasonably safe lane in which to travel. No unauthorized person shall remove or in any way tamper with any such barrier, lantern, light or other safety device. Such barriers, flares, lanterns and warning

lights shall be in conformity with regulations in effect and adopted by the State Department of Public Works of the State of California pursuant to Section 465.7 of the Vehicle Code.

- (b) Any person violating any provision of this Section shall be deemed guilty of a misdemeanor.

(Amended by renumbering 3-31-1980 by O-15229 N.S. — formerly Sec. 54.17.)

§54.0121 Distribution of Handbills and Advertising — from Aircraft Prohibited

That it shall be unlawful to throw, drop, cast, or distribute, any handbill, dodger, poster, circular, notice or other advertising matter from any aircraft while in flight over the City of San Diego.

(Amended by renumbering 3-31-1980 by O-15229 N.S. — formerly Sec. 54.21.)

§54.0122 Prohibitions and Regulations Applicable to the Sale or Distribution of Foods, Beverages, Merchandise or Services from Vehicles and Mobile Food Units

- (a) Purpose and Intent. The Council hereby finds and declares that the unrestricted sale or distribution or the offering for sale or distribution of food, beverages, merchandise or services from vehicles or mobile food units within or upon public streets, sidewalks and rights of way, public property or in the vicinity of school buildings, under certain circumstances, constitutes a danger to public safety because of the likelihood of injury to pedestrians thereby exposed to hazards from other vehicular traffic in the vicinity. The Council further finds that the unauthorized use of public property for private commercial activity constitutes a misuse of public property and tax money and that similar activity on private property when not in conformity with health, safety, zoning and land use regulation is contrary to the public welfare.

- (b) Definitions.

- (1) The terms "vehicle," "street" and "highway" are defined by the Vehicle Code of California.
- (2) "Public property" shall mean any real property owned or controlled by or leased or assigned to a governmental entity excluding such property as had been leased out by that entity for nongovernmental purposes. It shall also include unimproved streets and rights of way or similar easements for public access and use over which the public entity has a legal interest or right of control, other than a publicly maintained street or highway.

- (3) The term "mobile food unit" is any non-self-propelled or non-motorized vehicle or similar vending device defined in Section 42.0160 of this Code.
- (4) "Public school" shall refer to any public elementary school, middle school, junior high school or high school as defined in the Education Code of California.
- (c) Prohibitions. No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle on a street or highway unless the vehicle is first lawfully parked or stopped and then remains for no longer a period of time than is necessary to complete the immediate sale. An operator is considered to be engaged in an "immediate sale" when there are patrons waiting in line for service. Operators of such vehicles shall maintain a minimum clear space of (10) feet both in front of and behind the vehicle to allow for pedestrian safety and safe sight distance for approaching motorists. No sales or distribution shall be made when the designated minimum clear space of ten (10) feet does not exist.
- (d) No food or beverage shall be sold or distributed or offered for sale or distribution from a mobile food unit on a street or highway, on public property or upon a sidewalk without a permit from the City Manager or designee authorizing such sale or distribution pursuant to Section 42.0166 of this Code.
- (e) No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution, whether from a vehicle or otherwise, upon public property without the authorization of the public entity.
- (f) No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle or mobile food unit on private property without the express consent of the owner or lessee of the property and except in conformity with health, safety, zoning and land use regulations or permits pertaining to the site from which the sale or distribution is conducted.
- (g) No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle within five hundred (500) feet from any public school building, measured in a straight line to the nearest point of the school building, between 7:00 a.m. and 4:00 p.m. on regular school days, except in a designated commercial loading zone in conformity with applicable restrictions thereto or except on private property with the express consent of the owner or lessee of the property and in conformity with health, safety, zoning and land use regulations and permits pertaining to the site from

which the sale or distribution is conducted.

- (h) Non–defenses. It shall not be a defense to a violation of this section that the violator or the violator’s principal or agent had been issued a City business license or paid a City business tax, nor that a governmental permit had been issued unless such permit authorized the permit holder to conduct the activity at a designated location or locations under specified times and/or conditions and such sales or distribution activity was in conformity with those terms and conditions.
- (i) Severability. If any subsection of this section or portion thereof is declared invalid by a court of competent jurisdiction, that declaration shall not affect the validity of the remaining portion or portions of this section.
- (j) Construction with other laws. Nothing in this section shall be deemed to excuse compliance with any law or regulation pertaining to health, zoning, public safety or land use under applicable state law or the municipal code, including the issuance of any permits thereunder.

(“Prohibitions and Regulations Applicable to the Sale or Distribution of Foods, Beverages, Merchandise or Services from Vehicles and Mobile Food Units” added 7–25–1988 by O–17116 N.S.)

